

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34521 of 2013

and

M.P.No.1 of 2013

1.Mrs.S.Malathi

2.Manoj

3.Vishal

2 & 3 petitioners are minors,
rep. Through their mother and natural
Guardian, 1st petitioner herein

Mrs.S.Malathi

All are residing at

Door No.9, Gangai Amman Koil Street,
Thoppakana, Arcot,
Vellore District – 632 503

... Petitioners

Vs

1.State of Tamil Nadu,
Rep.by the Secretary to Government,
Transport Department,
Fort St.George,
Chennai – 600 009.

2.District Collector,
Vellore District, Vellore.

3.The Managing Director,
Tamil Nadu Transport Corporation
(Villupuram) Ltd., Vellore Zone,
Vellore District – 600 009.

4.Mrs.Baby

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent No.1926/SANE 10/ Tamilnadu State Transport Corporation. (V) / Vellore District. / 2013 dated 14.02.2013, and quash the same and consequently direct the 3rd respondent to include the 1st petitioner's name in the role of compassionate appointment maintained by the 3rd respondent's office and consequently direct the 3rd respondent to disburse the amount due to the petitioners on the account of the death of her husband, (R.Srinivasan), within the time stipulated by this Hon'ble Court.

For Petitioners : Mr.G.Poonkundran

For Respondents : Mr.R.S.Selvam, GA for R1 & R2

Mr.P.Kannan Kumar for R3

Mr.S.Parthiban for R4

ORDER

The order of rejection containing the reasons for not providing compassionate appointment to the writ petitioner in proceedings dated 14.02.2013, is under challenge in this writ petition. Consequential direction is sought for to direct the 3rd respondent to include the name of the 1st petitioner in the role of compassionate appointment maintained by the 3rd respondent Office and accordingly, appoint the 1st petitioner.

2. The 1st petitioner states that she is the legally wedded wife of Mr.R.Srinivasan and out of their wedlock, two children were born, who are

the petitioners 2 and 3 herein. The husband of the writ petitioner was employed as Driver under the 3rd respondent Office / Transport Corporation and on account of the illness, he passed away on 14.09.2012. The petitioner submitted an application seeking compassionate appointment. However, the same was not considered on the ground that the 4th respondent / mother of the deceased employee raised an objection for providing an appointment on compassionate grounds. The 4th respondent is none other than the mother of the deceased employee and the mother-in-law of the writ petitioner. This being the relationship, certainly, the 4th respondent may not have valid objection, in view of the fact that she is a aged women and she cannot be appointed on compassionate grounds.

3. The learned counsel appearing for the 4th respondent states that the 1st respondent made certain allegations against the 4th respondent and that is the reason why, she is objecting the petitioner's claim for compassionate appointment. The learned counsel appearing for the 4th respondent now states before this Court that the 4th respondent may not have serious objection for appointment of the 1st petitioner, however, the writ petitioner should withdraw the allegations made against the 4th respondent.

4. The official respondents cannot stand on these grounds and, prevent the writ petitioner from getting compassionate appointment, in view of the fact that certain personal allegations raised between the 1st petitioner and the 4th respondent will not prevent the writ petitioner from getting appointment on compassionate grounds, as per the scheme.

5. The scheme of compassionate appointment is provided to mitigate the hardship arising on account of the sudden death of the Government employee. Therefore, the allegations between the 1st respondent and the 4th respondent would not preclude the respondents 1 to 3 to consider the case of the writ petitioner, in accordance with the terms and conditions of the scheme of compassionate appointment. The 4th respondent being a aged women and the mother of the deceased employee, is certainly not entitled for compassionate appointment. In the event of her entitlement, the objections raised by her may have some meaning. In view of the fact that the 4th respondent is not entitled for compassionate appointment, the objections raised by her cannot stand in the way of respondents 1 to 3 to consider the case of the writ petitioner for compassionate appointment. Thus, the reasons stated in the impugned information provided to the writ petitioner that her case has not been considered on account of the objections raised by the 4th respondent, cannot be accepted.

6. Accordingly, the 3rd respondent is directed to reconsider the case of the writ petitioner for providing an appointment on compassionate grounds, strictly in accordance with the terms and conditions of the Scheme. Undoubtedly, the scheme is to be implemented strictly with reference to the terms and conditions stipulated. Thus, the case of the writ petitioner is directed to be reconsidered within a period of twelve (12) weeks from the date of receipt of a copy of this order. The writ petitioner is also directed to submit all necessary documents as sought for by the 3rd respondent.

6. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.10.2018

sk

Internet:Yes/No

Index : Yes/No

Speaking/Non speaking order

S.M.SUBRAMANIAM, J.

sk

To

- 1.The Secretary to Government,
Transport Department,
Fort St.George,
Chennai – 600 009.
- 2.District Collector,
Vellore District, Vellore.
- 3.The Managing Director,
Tamil Nadu Transport Corporation
(Villupuram) Ltd., Vellore Zone,
Vellore District – 600 009.

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